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COLOMBIA

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I. LAND AND PEOPLE

A. Ethnic and social characteristics

Ethnic characteristics

1. According to surveys carried out by the Colombian Institute of Anthropology, 58 per cent of the Colombian population is mestizo, 20 per cent white, 14 per cent mulatto, 4 per cent black, 1.7 per cent indigenous and 2.3 per cent of other races.

2. Colombia is also a country with a diversity of regions and cultures. There are five major regions: the Atlantic coast, the biogeographical region of Chocó (or Pacific region), the Orinoco region, Amazonia and the Andean region, which today are home to a population of 35 million people, who in cultural terms are predominantly mestizo.

3. Two major ethnic and social groups may be geographically and culturally distinguished from the general population: the Afrocolombian communities, numbering approximately one million people and living mainly along the Pacific coast and certain areas on the Atlantic coast; and the indigenous Amerindian peoples, of which there are about 82 groups with a total population of 700,000, living in territories in the Andes and in vast stretches of the lowlands (Orinoquía, Amazonia, Chocó and the Guajira peninsula). To these must be added the populations of the islands of San Andrés and Providencia (1,000 persons) (see annexes*, maps and tables 1 and 2).

Language

4. Colombia recognizes Spanish as its national language: the country also has a wealth of languages among its indigenous communities. Sixty-four languages belonging to 13 families of languages have been identified (Chibcha, Arawak, Caribe, Macro-Tukano, Witot, Sikuani, Quechua, Kamsa, Kofan, Nukak-Maku, Bora, Saliba and Puinabe). The Constitution of 1991 (article 10) establishes the languages and dialects of the ethnic groups as official in their territories, and directs that teaching should be bilingual in the communities that have their own linguistic traditions; in addition, educational programmes adapted to the ethnic characteristics of the various communities - ethno-education - are now being implemented.

Religion

5. Article 19 of the Constitution states: "Freedom of religion is guaranteed. All persons have the right to freely profess and individually or collectively disseminate their religion." According to the most recent demographic data, 95 per cent of the population are Roman Catholic and the remaining 5 per cent profess other religions.

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* The annexes may be consulted at the Centre for Human Rights.

Education

6. Under article 67 of the Constitution, "Education is an individual right and a public service which has a social function ... The State, society and the family are responsible for education, which shall be compulsory from 5 to 15 years of age and shall include, as a minimum, 1 year of pre-school education and 9 years of basic education."

7. In 1993 (latest official figures) the numbers of pupils, teachers and schools, by urban and rural areas, public and private sectors, pre-school, basic primary and secondary levels, were as follows:

COLOMBIA - Educational variables

PUPILS, TEACHERS AND SCHOOLS BY LEVEL, AREA AND SECTOR, 1993

Level	Pupils	%	Teachers	%	Schools	%
1. Pre-school education	501 665	100	20 579	100	9 786	100
Urban	466 510	92.9	19 038	92.5	8 812	90.1
Rural	35 155	7.0	1 541	7.48	974	9.9
Public sector	217 128	43.3	8 047	39.1	5 123	52.4
Private sector	284 537	56.7	12 532	60.9	4 663	47.6
2. Basic primary education	4 598 592	100	166 123	100	44 693	100
Urban	3 046 351	66.2	105 337	63.4	12 903	28.8
Rural	1 552 241	33.7	60 786	36.6	31 790	71.1
Public sector	3 808 484	82.8	135 505	81.6	39 290	87.9
Private sector	790 108	17.2	30 618	18.4	5 403	12.1
3. Basic secondary and vocational education	2 792 110	100	133 567	100	6 518	100
Urban	2 627 439	94.1	122 230	91.5	5 546	85.1
Rural	164 671	5.9	11 337	8.48	972	14.9
Public sector	1 742 087	62.4	79 718	59.7	3 440	52.8
Private sector	1 050 023	37.6	53 849	40.3	3 078	47.2

Source: DNP-UDS-Education Division, Ministry of Education. Information certified by the Secretary for Education.

B. Demographic characteristics

8. With the help of the subnational population projections prepared in 1991, it has been possible to observe - in a standardized series - the evolution of the country's population in the second half of this century.

9. Colombia has been one of the fastest countries in Latin America to cover the various stages of population transition, moving from high birth and mortality rates at the beginning of the period (see table) to falling birth rates and relatively low mortality rates towards the end of the period.

10. As the living and health conditions of the population have improved, as a result of the introduction of new medical technologies, the country has achieved significant advances in hygiene. Together with substantially increased access by women to education and work, this has led to important changes in reproductive behaviour (use of family planning, older age of mothers at the birth of their first child, smaller family size, etc.), which has helped the country to progress rapidly through the stages of demographic transition, a phenomenon that took more than a century in some developed countries and has taken only three decades in Colombia.

11. Increasing access to safe water and health services and greater information about food and nutrition are factors that, together with the Government's mass immunization campaigns, have resulted in a substantial drop in infant mortality, which fell from 123.2 to 27.3 per thousand between the beginning and the end of the period (1950-1994).

Demographic indicators for years close to the dates of population censuses

Indicators	1950	1965	1975	1985	1994
Growth rate	2.8	3.0	2.1	1.8	1.7
Crude birth rate	47.3	44.2	32.6	25.9	24.0
Global fertility rate	6.8	6.8	4.7	2.9	2.7
Crude mortality rate	16.7	11.5	8.6	6.1	5.9
Infant mortality rate	123.2	92.1	73.0	30.1	27.3
Distribution (%) by age groups					
Under 15 years	42.7	46.4	46.0	37.0	35.4
15 to 64 years	53.7	50.4	50.7	59.1	60.4
65 years and over	3.6	3.2	3.3	3.9	4.2
Distribution (%)					
Cities	38.7	52.0	59.3	67.2	72.9 p
Rest of the country	61.3	48.0	40.7	32.8	27.1 p
Life expectancy at birth					
Both sexes	50.6	57.9	61.6	68.2	69.2
Males	49.0	56.2	59.9	65.5	66.4
Females	52.3	59.7	63.4	71.1	72.3

Source: DANE, Adjusted Population Censuses 1951-1964-1973 and 1985.
DANE, Colombia: Subnational Population Projections 1985-2000.

p: provisional figure.

Population growth

12. The rapid decline in birth and mortality rates, decisive factors in population growth, have been reflected in this indicator (annual growth rate - r -) which fell from 3 per cent at about the time of the 1964 census to 1.7 per cent at the present. If deceleration of growth continues at the present rate, a rate of 1.4 per cent is estimated for the year 2000.

13. The rapid process of urbanization the country has experienced has led to differential rates of growth in the urban centres and the rest of the country, moving from an essentially rural structure (61.3 per cent rural population in 1951) to an eminently urban structure (72.9 per cent urban population in 1993).

Fertility

14. The rapid decline in fertility (the global fertility rate fell from 6.8 in 1951 to an anticipated 2.7 this year) has largely contributed to the decline in the country's population growth.

15. The demographic change has been general throughout all parts of the country, but rates of reproduction have not changed to the same extent in all regions. In the large cities, the process is moving much faster, since there is greater access to information on methods of birth control and new patterns of behaviour are being adopted.

16. Analysing the behaviour of the fertility rate, it will be noted that it is considerably higher in the rural sector - 4.9 in 1986 and 3.8 in 1990, as compared with 2.8 in 1986 and 2.5 in 1990 in the urban sector.

17. The spread and adoption of contraception has had a notable effect in reducing family size and on the reproductive behaviour of women (as already indicated), raising the average age of women at the birth of the first child from 16.9 years at the beginning of the 1960s to 22.1 years at the present time.

18. Analysing the crude birth rate - the simplest and most basic indicator of fertility - we find that it fell by half during the reference period, from 47.3 at the outset to 24.0 births per 1,000 population at the end of the period. This decline has reduced the base of the population pyramid, so that the first five-year age groups are gradually shrinking (in relation to the following age groups), resulting in the ageing of the country's population.

Mortality

19. In Colombia overall mortality rates have fallen to levels comparable with those of countries with more advanced conditions of development, declining from rates of around 17 per thousand in 1950-1955 to 5.9 per thousand at the present. Analysing mortality by gender, it will be seen that the rate among males is higher at all ages, and especially in the age groups at the beginning and end of life.

20. The death rate declined steadily from 13.5 per thousand in 1953 to 5.0 per thousand in 1988, at which point it levelled off. This stability may have been determined by better recording of deaths, the change in the age structure of the population and the increased degree of urbanization. The mortality rate is higher for men. The structure of deaths by age has altered in recent years: whereas in 1954 half of deaths occurred before the age of five, by 1991 this proportion had fallen to 10.3 per cent; at the same time, the proportion of deaths among persons aged over 60 years increased from 20 per cent in 1954 to 46.3 per cent in 1991.

21. One of the indicators that has evolved most favourably over the last few decades is the infant mortality rate, which was 123.2 per thousand live births annually among infants under one year in the first five-year period of the series, and is now approximately 27 per thousand. This decline is evidence of improvement in the quality of life of the population and (hygiene, nutrition, immunization and other factors) and is directly associated with the country's level of development, with a direct effect on increased life expectancy at birth.

22. Although the breakdown by sectors is not available, it is known that because of the differences in development between the urban and rural areas, mortality among infants under one year is consequently higher in the rural areas.

23. Demographic analysis by gender has shown that approximately 105 males are born for every 100 females. However, the risk of mortality at birth or in the first year of life is much higher for males, so that the rate of survival in the first year (and at all ages) is higher among females.

Life expectancy

24. In 1990 a Colombian lived on average for 28 years and no less than 250 out of every 1,000 live births died each year before reaching their first birthday. For the first three decades, life expectancy averaged 36 years. Between 1940 and 1960, it increased to 58 years, and the great progress achieved in efforts to control the rate of mortality now enables Colombians to live for an average of 69 years (67.1 years for men and 71 years for women). If we look at the trend from 1980 to 1993, we see that life expectancy increased by almost five years during that period, from 64.7 to 69.0 years.

25. If we look at life expectancy by gender, it will be seen that it is higher for females than for males at all stages and that the gain in years has been greater over the whole of the period. Where women have gained 20 years, men have gained approximately 17. Similarly, it will be seen that the gender differential has also increased, progressing from three years at the start of the series to nearly six at the end, which clearly indicates a comparative advantage for women in regard to their potential for life.

	Men	Women	Total
1980	62.8	66.7	64.7
1985	65.3	69.3	67.3
1993	67.1	71.0	69.0

Age structure of the population

26. One of the most significant consequences of the declining birth rate and the control of mortality has been the change in the age structure of the population. The proportion of children under 15 years, which was 46 per cent in about 1973, is now only 35 per cent, while the population in the intermediate age groups (15 to 64 years) has been increasing in relative terms, rising from 51 per cent to 60 per cent over the same period. The same is true for the population over 65 years, which rose by one point from 3 per cent to 4 per cent.

27. Projections for the year 2000 indicate that young people under 15 years will constitute about 30 per cent of the total population, the central groups will rise to 65 per cent and the remaining 5 per cent will comprise the population of 65 years and over.

Urban/rural distribution of the population

28. One of the processes that has been most clearly observed in the country in the last few decades is the phenomenon of urbanization and the concentration of the population in the cities. This has given rise to considerable changes in the spatial distribution of the population during the period under analysis.

29. If we examine the figures shown in the table of demographic indicators, it will be observed that there is a substantial population increase in the cities and a decrease in the rest of the country. The urban population was 38.7 per cent of the overall population in the 1950s, while according to the most recent census, this proportion has risen to approximately 73 per cent (provisional figure). The rural population, which at the start of the series accounted for 61.3 per cent, has fallen by the end to only 27.1 per cent of the national total.

30. The number and proportion of persons living in urban areas is increasing. In 1973, 60 per cent of the population lived in localities with more than 1,500 inhabitants; this figure is now estimated to have reached 75 per cent.

31. Deceleration in the rate of growth has spread to the whole of the country, but with differences in spatial distribution. Vigourous expansion is to be observed in the departments of the Atlantic Coast, Meta, Valle and the National Territories (those which have shown the highest rates of growth on

the whole); stagnation or slight decline in the Andean region; and chronic depression in the east, south and west of the country (with the exception of the Cauca Valley).

32. In conclusion, the spatial distribution of the population from the mid-century on has been characterized by a decline in the rural areas of the Andes, movement of the population towards the great plains, and an accentuated process of urbanization and population concentration in the big cities.

C. Some socio-economic indicators

33. A number of economic and social indicators are presented below to give an overview of the country's situation and follow the progress of the sectoral objectives, strategies, programmes and plans proposed in the development plans.

Rate of unemployment

Urban population in seven metropolitan areas	Total
Population of working age	8 848 132
Economically active population	5 350 645
Employed	4 806 800
Unemployed	543 845
Inactive	3 497 487
Rate of unemployment	10.16%
Overall participation rate	60.47%

Source: DANE, National household survey, stage 83, March 1994.

Total national rural population	Total
Population of working age	10 420 269
Economically active population	5 603 178
Employed	5 355 980
Unemployed	247 198
Inactive	4 817 091
Rate of unemployment	4.41%
Overall participation rate	53.77%

Source: DANE, National rural household survey, September 1994.

Exchange rate

(annual average in US$)

1990	502.26
1991	633.05
1992	680.40
1993	863.30

Source: Banco de la República.
Financial statistics.

Public and private external debt

Years	Balance at the end of the period			Debt service		
	Public debt 1/	Private debt	Total	Public debt	Private debt 2/	Total
1985	10 811	3 415	14 226	1 449	433	1 882
1986	12 691	2 989	15 680	1 843	426	2 269
1987	13 947	3 100	17 047	2 353	316	2 669
1988	14 011	3 348	17 359	2 780	303	3 083
1989	14 071	2 936	17 007	2 903	781	3 684
1990	14 809	2 747	17 556	3 147	595	3 742
1991	14 661	2 314	16 975	3 287	448	3 735
1992	13 831	3 002	16 833	3 451	376	3 827
1993	13 627	3 809	17 436	653	49	702

Source: Banco de la República. Foreign trade statistics.

1/ Including private debts guaranteed by the public sector and short-term debts.

2/ Registered debts. Figures as at 30 June 1993.

Total and per capita gross domestic product
1980-1993 pr

Years	Total gross domestic product					Per capita gross domestic product			
	At current prices		At 1975 constant prices			At current prices		At 1975 constant prices	
	Millions of pesos	% variation	Millions of pesos	% variation	Population	Pesos	% variation	Pesos	% variation
1980	1 579 130	32.8	525 765	4.1	26 524 871	59 534	30.0	19 822	1.8
1981	1 982 773	25.6	537 736	2.3	27 091 375	73 188	22.9	19 849	0.1
1982	2 497 298	25.9	542 836	0.9	27 669 979	90 253	23.3	19 618	-1.2
1983	3 054 137	22.3	551 380	1.6	28 260 939	108 069	19.7	19 510	-0.6
1984	3 856 584	26.3	569 855	3.4	28 864 522	133 610	23.6	19 742	1.2
1985	4 965 883	28.8	587 561	3.1	29 480 995	168 444	26.1	19 930	1.0
1986	6 787 956	36.7	621 781	5.8	30 024 352	226 082	34.2	20 709	3.9
1987	8 824 408	30.0	655 154	5.4	30 577 724	288 589	27.6	21 426	3.5
1988	11 731 348	32.9	681 791	4.1	31 141 294	376 714	30.5	21 893	2.2
1989	15 126 718	28.9	705 068	3.4	31 715 252	476 954	26.6	22 231	1.5
1990	20 228 122	33.7	735 259	4.3	32 299 788	626 262	31.3	22 764	2.4
1991	26 106 698	29.1	749 976	2.0	32 841 125	794 939	26.9	22 836	0.3
1992 p	33 143 590	27.0	778 709	3.8	33 391 535	992 575	24.9	23 321	2.1
1993 pr	41 986 492	26.7	819 777	5.3	33 951 170	1 236 673	24.6	24 146	3.5

Source: DANE. National accounts

p: provisional

pr: preliminary

Growth of GDP, by branch of economic activity,
at 1975 constant prices
1992-1993

Item	Variation (%) 1992/1991	Variation (%) 1993/1992
Farming, forestry, hunting and fishing	-1.85	2.70
Mines and quarries	-2.76	-2.80
Manufacturing industry	5.89	2.30
Electricity, gas and water	-6.08	11.70
Building	8.36	7.00
Commerce, restaurants and hotels	4.43	5.02
Transport, warehousing and communication	5.24	4.03
Financial, insurance, property and business services	4.06	7.08
Banks, insurance and business services	5.41	10.41
Housing rental	2.50	3.10
Community, social and personal services	3.76	6.41
Government services	4.70	7.66
Personal and domestic services	2.00	4.00
Less: charges for bank services	4.40	10.27
Subtotal aggregate value	2.90	3.95
Plus: taxes and duties on imports	36.18	40.00
Gross domestic product (GDP)	3.83	5.27

Source: DANE, National accounts.

Statistical summary of the main industrial variables and most significant branches of industry 1991-1992

Branches of industry	Units		Employed		Gross production		Net investment		Intermediate consumption	
	No.	%	No.	%	Value	%	Value	%	Value	%
	1991									
Food 1/	1 324	18.13	82 561	8.39	2 940 303 749	22.93	79 302 825	17.99	2 140 721 165	27.70
Beverages	131	1.79	23 243	2.36	1 031 150 074	8.04	28 435 122	6.45	375 576 166	4.86
Textiles	486	6.65	54 515	5.54	1 033 139 586	8.06	53 715 030	12.19	592 605 453	7.67
Paper and paper products	144	1.97	11 847	1.20	584 504 014	4.56	25 454 899	5.77	370 038 976	4.79
Industrial chemicals	147	2.01	15 149	1.54	980 953 696	7.65	50 147 630	11.38	630 374 314	8.16
Other chemicals	325	4.45	29 107	2.96	991 665 352	7.73	23 643 383	5.36	533 535 985	6.90
Refined petroleum derivatives	6	0.08	4 759	0.48	456 399 918	3.56	30 795 796	6.99	368 410 048	4.77
Other non-metallic mineral products	314	4.30	20 714	2.10	405 714 371	3.16	27 398 713	6.22	200 880 225	2.60
Metal goods other than machinery	580	7.94	26 849	2.73	391 512 760	3.05	14 556 225	3.30	222 795 425	2.88
Transport equipment and materials	249	3.41	18 202	1.85	643 108 082	5.01	16 632 905	3.77	427 578 899	5.53
Other branches	3 598	49.25	697 619	70.86	3 367 064 019	26.25	90 740 840	20.58	1 865 004 974	24.13
National Total	7 304	100	984 565	100	12 825 515 621	100	440 823 368	100	7 727 521 630	100
	1992 p									
Food 1/	1 396	17.82	120 487	19	4 308 325 729	25.93	n.a.	n.a.	3 151 985 523	32.95
Beverages	147	1.88	26 456	4	1 357 844 016	8.17	n.a.	n.a.	458 512 070	4.79
Textiles	483	6.17	71 224	11	1 351 601 024	8.14	n.a.	n.a.	708 199 065	7.40
Paper and paper products	161	2.06	15 310	2	750 892 811	4.52	n.a.	n.a.	490 678 666	5.13
Industrial chemicals	150	1.91	14 719	2	935 927 870	5.63	n.a.	n.a.	571 683 273	5.98
Other chemicals	353	4.51	38 663	6	1 256 487 585	7.56	n.a.	n.a.	600 964 160	6.28
Refined petroleum derivatives	8	0.10	5 899	1	425 155 305	2.56	n.a.	n.a.	242 757 268	2.54
Other non-metallic mineral products	318	4.06	22 528	3	571 208 639	3.44	n.a.	n.a.	294 771 173	3.08
Metal goods other than machinery	601	7.67	31 764	5	460 730 506	2.77	n.a.	n.a.	263 696 292	2.76
Transport equipment and materials	267	3.41	23 836	4	799 098 185	4.81	n.a.	n.a.	515 566 926	5.39
Other branches	3 949	50.41	273 207	42	4 397 028 180	26.47	n.a.	n.a.	2 268 469 363	23.71
National Total	7 833	100	644 093	100	16 614 299 850	100	n.a.	n.a.	9 567 283 779	100

Source: DANE. Annual survey of manufacturing 1991-1992.

1/ Food products except beverages/various foods for animals and others.

p: Provisional figures.
n.a.: Data not available.

Colombia: foreign trade (January-July 1994p-1993p)
(millions US$)

	1994			1993		
	Exports	Imports	Trade balance	Exports	Imports	Trade balance
	US$ FOB			US$ FOB		
Total	4 326.60	5 882.70	(1 556.10)	4 119.40	5 270.40	(1 151.00)

Source: DANE-DIAN. Foreign trade statistics.

p: Provisional figures.

Colombia: foreign trade (January-July 1993p)
Percentage variation in value

	Exports	Imports
Total	5.00	11.30

Source: DANE-DIAN. Foreign trade statistics.

p: Provisional figures.

Colombia: traditional and non-traditional exports
(January-July 1994p-1993p)
(millions US$ FOB)

	1994	1993	Variation %
Traditional	1 898.40	1 836.90	3.30
Coffee	863.40	615.80	40.20
Petroleum and derivatives	674.90	858.00	-21.30
Coal	863.40	615.80	40.20
Ferronickel	67.80	63.00	7.60
Non-traditional	2 428.20	2 282.50	6.40
Total	4 326.60	4 119.40	5.00

Source: DANE. Foreign trade statistics.

p: Provisional figures.

Gross domestic product and domestic expenditure account (1987-1992p)

Items	Millions of pesos					
	1987	1988	1989	1990	1991	1992p
Salaries	3 351 499	4 465 880	5 788 472	7 555 360	9 846 486	13 079 397
Gross operating profit	4 439 895	6 011 023	7 742 394	10 682 053	13 799 330	16 817 031
Indirect taxes	1 076 166	1 313 527	1 666 449	2 099 540	2 610 355	3 365 915
Less: subsidies	43 152	59 082	70 597	108 831	149 473	118 753
Gross domestic product	8 824 408	11 731 348	15 126 718	20 228 122	26 106 698	33 143 590
Final consumption	6 787 878	8 895 897	11 539 127	15 346 717	20 032 486	26 839 429
Gross domestic capital formation	1 764 660	2 579 693	3 021 676	3 751 655	4 164 393	5 707 176
Total exports	1 588 458	2 058 766	2 866 278	4 389 942	5 901 970	6 255 407
Less: total imports	1 316 588	1 803 008	2 300 363	3 260 192	3 992 151	5 658 422
Expenditure in relation to GDP	8 824 408	11 731 348	15 126 718	20 228 122	26 106 698	33 143 590

Source: DANE. National accounts.

p: Provisional figures.

Principal macroeconomic aggregates at 1975 constant prices (1987-1992p)

Items	Millions of pesos					
	1987	1988	1989	1990	1991	1992p
Final consumption	521 409	545 080	564 484	581 568	592 078	618 997
Households in the national territory 1/	453 079	470 019	485 203	499 839	507 693	528 842
Public administrations	68 330	75 061	79 281	81 729	84 385	90 155
National investment (FBK)	116 901	126 264	117 013	115 641	105 537	146 659
Gross fixed capital formation	101 471	112 502	106 611	103 046	96 685	112 841
Variations in stocks	15 430	13 762	10 402	12 595	8 852	33 818
Exports	119 215	119 514	129 559	152 353	170 573	179 598
Imports	102 361	109 067	105 988	114 303	118 212	166 545
Gross domestic product	655 164	681 791	705 068	735 259	749 976	778 709

Source: DANE. National accounts.

1/ Final consumption within the national territory by both residents and non-residents.

p: Provisional figures.

External non-financial transactions account (1987-1992p)

Items	Millions of pesos					
	1987	1988	1989	1990	1991	1992p
Total exports	1 588 458	2 058 766	2 866 278	4 389 942	5 901 970	6 255 407
Resident salaries	3 566	4 996	6 198	9 091	18 422	18 099
Property and business revenue	48 085	75 840	109 950	174 033	247 333	304 616
Other current transfers	247 899	297 285	354 834	523 707	1 103 090	1 272 960
Total income from the rest of the world	1 888 008	2 436 887	3 337 260	5 096 773	7 270 815	7 851 082
Total imports	1 316 588	1 803 008	2 300 363	3 260 192	3 992 151	3 658 422
Non-resident salaries	22 078	10 950	17 216	36 163	84 639	58 038
Property and business revenue	459 042	553 704	865 259	1 222 200	1 409 865	1 574 162
Other current transfers	5 071	9 005	11 209	8 137	28 677	93 283
Surplus (+) or deficit (-) on the current account (or net loan to the rest of the world)	85 229	60 220	143 213	570 081	1 755 483	494 177
Total utilization of income	1 888 008	2 436 887	3 337 260	5 096 773	7 270 815	5 851 082

Source: DANE. National accounts.

p: provisional figures.

Inflation

Year	Inflation (%)
1980	25.9
1981	26.5
1982	24.1
1983	16.6
1984	18.3
1985	22.5
1986	21.0
1987	24.0
1988	28.1
1989	26.1
1990	32.4
1991	26.8
1992	25.1
1993	22.6

Source: DANE. Consumer Price Index.

II. GENERAL POLITICAL STRUCTURE

A. System of government

34. Colombia, as proclaimed in article 1 of the Constitution of 1991, is a lawful societal State organized in the form of a unitary republic, decentralized, with autonomy of its territorial units, democratic, participatory and pluralistic, founded on respect for the human dignity and on the work and solidarity of the individuals who belong to it, and the prevalence of the general interest.

35. The form of government is presidential. The Head of State is simultaneously head of the Government, the highest representative of the nation and the supreme commander of the armed forces and the police. The Constitution establishes the division of public power into the three traditional branches of the democratic liberal system - the legislative, executive and judicial branches - but with the constitutional duty to collaborate harmoniously to accomplish the purposes of the State.

36. Sovereignty resides exclusively in the people, from whom public power is derived; power is exercised in direct form by the people or through their representatives within the limits established by the Constitution.

37. Colombia possesses a Constitution containing extensive individual rights and social guarantees; 85 of the 380 articles establish the rights, guarantees and duties of citizens, without prejudice to the other rights of the person established in the international covenants ratified by the country. The Constitution establishes special guarantees for the indigenous peoples and Afrocolombian and island communities.

B. Structure of the Colombian State

38. As provided by the Constitution, the Colombian State is structured in three branches of public power, the legislative, the executive and the judiciary. There are other autonomous independent bodies, such as the supervisory organs (Public Ministry and Office of the Controller-General of the Republic), the Electoral Organization, the Bank of the Republic and the National Television Commission.

39. The legislative branch of public power consists of the Congress of the Republic, which can amend the Constitution, make laws and exercise political control over the Government and the administration. It is a bicameral Congress, made up of the Senate and the House of Representatives; the Senate is elected by a national constituency and the House of Representatives by local constituencies; there are also special constituencies for the indigenous communities and for the ethnic minorities, from which members of the Congress are elected to both chambers of the legislature.

40. The executive branch is headed by the President of the Republic, who is the head of State, head of the Government, supreme commander of the armed forces and supreme administrative authority. Cabinet ministers and heads of administrative departments, in their capacity as agents of the President of the Republic, direct and control the public administration. The President and the respective minister or head of administrative department represent the Government in any particular matter. The departmental governorates and district or municipal authorities, which are appointed by direct popular suffrage, as well as the superintendencies, public establishments and commercial or industrial enterprises of the State are also part of the executive branch.

41. The judicial branch is composed of the Constitutional Court; the Supreme Court of Justice, with its civil, criminal and labour divisions; the Council of State, the supreme administrative tribunal; the Higher Council of the Judicature, the supreme administrative and disciplinary authority of the judicial branch; the Office of the Public Prosecutor; the higher district courts and the circuit judges and municipal judges.

42. The supervisory organs of the State are the Public Ministry and the Office of the Controller-General of the Republic. The Public Ministry is composed of the Attorney-General, the People's Advocate, designated attorneys, agents of the Public Ministry, municipal representatives and other officials determined by the law. It is the responsibility of this Ministry to safeguard and promote human rights, to protect the public interest and to oversee the official conduct of those who perform public functions. The Office of the Controller-General of the Republic has the duty to oversee fiscal management and to monitor administrative performance.

1. Composition and functions of the legislative branch

43. The functions of the legislative branch are laid down in Title VI of the Constitution, in articles 132 to 187. The bodies of the legislature (the Senate and the House of Representatives) are popular in origin, based on direct suffrage, and serve for a term of four years. Colombia is governed as a representative democracy, and the representatives elected by the people must act in a manner consonant with fairness and the common good and are responsible before society and the electorate for the execution of the obligations inherent in their office.

44. The faculties of the two chambers are set out in article 135 of the Constitution. The most important of these are:

1. To elect their executive officers;

2. To elect a General Secretary;

3. To determine when reserved sessions shall be held;

4. To fill the positions established by the law;

5. To strive to obtain the cooperation of the organs of the public administration from the Government to ensure the best execution of their responsibilities;

6. To summon and require ministers to attend sessions;

7. To propose motions of no confidence in ministers on matters related to the functions that pertain to their responsibility.

Article 136 also expressly prohibits certain actions on the part of the Congress, inter alia:

1. To intervene by means of resolutions or laws in matters that fall under the exclusive jurisdiction of other authorities;

2. To demand information from the Government regarding instructions in diplomatic matters or negotiations of a classified nature;

3. To take votes of approval for official acts, etc.

45. The meeting and functioning of the Congress are regulated in the Constitution and governed specifically by Acts Nos. 3 and 5 of 1992. The Congress meets as of right in ordinary sessions for two periods during the year, which together constitute one legislative term. It may also meet in special sessions when expressly convened by the Government, for the period stipulated by the latter. It is worth mentioning that the Congress has the power to adopt motions of no confidence in Cabinet ministers and can summon State officials to attend debates on the performance of the administration.

46. There are also legal commissions on human rights and hearings instituted under the Regulations of the Congress - articles 55, 56 and 57 of Act No. 5

of 1992 - with the functions of protecting human rights, monitoring and supervising any authority entrusted with ensuring the observance of human rights, bringing criminal or disciplinary proceedings in cases of violations of fundamental rights, holding special hearings of citizens and organizations of civil society and dealing with comments by citizens on proposed laws or legislative acts amending the Constitution.

47. The Congress meets as a single body to install the President of the Republic, to receive Heads of State or Government of other countries, to elect the Controller-General of the Republic and the Vice-President, who replaces the President elected by the people when necessary, and to decide on motions of no confidence in ministers. In order to function each chamber elects permanent committees as determined by the law, to be responsible for the first reading of the bills submitted to them. The plenary of the Congress, the chambers and their committees may not deliberate with less than a quarter of their members present and decisions must be adopted by a majority of the votes of the members present, except where the Constitution requires a special majority.

Laws

48. In the exercise of its legislative power, it is the responsibility of the Congress of the Republic to enact laws. Through them, it exercises the following functions:

1. Interprets, amends and repeals laws;

2. Draws up and amends codes in all areas of legislation;

3. Approves the national development plan and public investment;

4. Defines the general divisions of the territory (creates, modifies, eliminates or merges territorial entities and establishes their jurisdictions);

5. Confers special powers on departmental assemblies;

6. Moves the seat of the highest authorities of the nation;

7. Determines the structure of the national administration;

8. Grants authorizations to the Government to enter into contracts, negotiate loans and sell national assets;

9. Vests specific extraordinary powers for up to six months in the President of the Republic to issue rules with the force of law where necessary or advisable for the public good;

10. Establishes national revenues and determines the expenditures of the administration;

11. Approves or rejects treaties concluded by the Government with other States;

12. Enacts laws concerning economic intervention as foreseen in the Constitution.

There are in all 25 legislative functions exercised by the Congress, of which the 12 considered to be most relevant are mentioned in this report (article 150 of the Constitution).

Legislative procedure

49. Legislation in Colombia may be initiated by either of the chambers upon proposals by their members or by the Government, or upon a popular initiative in the cases foreseen in the Constitution. When a bill has been submitted to the Congress, it must be officially published before it is referred to the relevant committee; it must then be given a first reading in the relevant committee of each chamber and a second reading in a plenary session of each chamber, before it is finally sanctioned by the Government. The time limits specified by the Constitution for the passage of legislation are short (articles 157 and 160). As stipulated in the Constitution (article 164), the Colombian Congress gives priority to the passage of the bills to ratify treaties on human rights that are submitted to it by the Government.

2. The executive branch

The President

50. The President of the Republic, as the head of the executive branch of public power, is the sole representative of the entire nation, the Head of State, the head of the Government and the supreme administrative authority. He appoints the ministers of the Cabinet and the directors of administrative departments, directs international relations, and is the Supreme Commander of the Armed Forces of the Republic, responsible for the maintenance of public order. His functions are restrictively enumerated in article 189 of the Constitution.

51. The office of President of the Republic originates in direct election by the people for a period of four years. Election is confirmed by half plus one (absolute majority) of the votes cast by citizens in a direct and secret ballot on the day of the election. If no candidate obtains this majority in the first ballot, a second ballot is held three weeks later between the two candidates who obtained the most votes in the first round of the elections. The candidate who obtains the greatest number of votes on this occasion will be declared President.

52. The President and Vice-President of the Republic must be Colombian by birth, citizens in good standing and over 30 years of age.

53. The President takes office before the Congress and must swear the oath. The Constitution provides for procedures to replace the President of the Republic and the Vice-President in the event of permanent or temporary incapacity.

The Vice-President

54. The Vice-President is also elected by popular vote, on the same day and in the same manner as the President. If there is a second ballot, the formula adopted for the first ballot may not be changed. His term of office runs concurrently with that of the President, whom he must replace in the event of permanent or temporary incapacity. He may be entrusted with special missions or duties, or assigned to any responsibility in the executive or administrative branch.

Ministers and directors of administrative departments

55. The number, designation and order of precedence of the ministers and administrative departments is determined by law. Ministers and directors of administrative departments are the heads of public administration in their respective offices and must formulate policies for their offices, direct administrative operations and execute the law, under the direction of the President of the Republic. In relation to the Congress, they are the spokesmen of the Government and must present government bills, respond to the requests that the chambers may make to them, and take part in debates directly or through their deputy ministers.

56. In accordance with articles 209 and 210 of the Constitution, all orders of the public administration must act in the service of the general interest and the principles of equality, morality, efficiency, economy, speed, impartiality and publicity, and through the decentralization, delegation and deconcentration of administrative functions.

57. The public administration shall make provision for internal control at all levels, which shall be exercised in the manner specified in the l w.

The public force

58. The public force consists exclusively of the armed forces and the national police. When public needs so require, all Colombians are under the obligation to take up arms to defend democracy, the institutions and the independence of the country.

59. The military forces of Colombia consist of three armed forces: the army, the navy and the air force.

60. The armed forces defend the sovereignty, independence and integrity of the national territory and of the constitutional order. The national police force is a permanent armed body of a civilian nature; its primary duties are to maintain the conditions necessary for the exercise of public rights and freedoms and to ensure that the inhabitants of Colombia may live together in peace. The Constitution bars members of the public force from voting or taking part in political debates or activities while they are on active service (articles 216 et seq.).

3. The judicial branch

61. Title VIII of the Constitution regulates the judicial branch of public power. There are three jurisdictions for the administration of justice: the ordinary courts, the contentious administrative jurisdiction and the constitutional jurisdiction. The authorities of the indigenous peoples may exercise jurisdictional functions within their territorial areas.

Ordinary jurisdiction

62. The administration of justice is a public function. Its decisions are independent; its functioning is decentralized and autonomous. In their decisions, judges are bound exclusively by the rule of law.

63. The Supreme Court of Justice is the highest court of ordinary jurisdiction, and is divided into civil, labour and criminal chambers, to each of which are referred the matters which they must hear.

Contentious administrative jurisdiction

64. The Council of State is the supreme court with jurisdiction for administrative disputes. It is divided into chambers and sections: chamber of administrative litigation, chamber of consultancy and the civil service. The chamber of administrative litigation has six sections: constitutional, labour, public responsibility, taxation, electoral and agrarian.

Constitutional jurisdiction

65. The Constitutional Court safeguards the supremacy and integrity of the Constitution. The Court is composed of an uneven number of magistrates determined by the law, who are elected by the Senate of the Republic from lists of three candidates submitted to it by the President of the Republic, the Supreme Court of Justice and the Council of State. Its functions are, inter alia, to decide on claims of unconstitutionality of laws, reforms of the Constitution, referendums, international treaties, etc.; and it is the final review instance for judicial actions relating to the protection of fundamental rights.

Special jurisdictions

66. The authorities of the indigenous peoples may exercise jurisdictional functions within their territorial areas, in accordance with their own laws and procedures, provided that these do not conflict with the Constitution and laws of the Republic.

Office of the Public Prosecutor (Fiscalía General de la Nación)

67. This consists of the Public Prosecutor, designated prosecutors and other officials as determined by the law. The Public Prosecutor is elected for a period of four years by the Supreme Court of Justice from a list of three names submitted by the President of the Republic. The Office of the Public Prosecutor is part of the judicial branch and its function is to investigate, prepare cases for trial and bring charges against presumed

offenders in the competent courts. It is bound to investigate matters both favourable and disadvantageous to the accused and to respect their fundamental rights and the procedural guarantees to which they are entitled.

Higher Council of the Judicature

68. This is divided into two chambers, the administrative and the disciplinary jurisdictional chambers, and is also part of the judicial branch. Its principal functions are:

1. To administer the judiciary;

2. To draw up lists of candidates for the appointment of officials;

3. To examine the conduct and sanction misconduct by officials in the judicial branch and by practising lawyers;

4. To oversee the work of judicial bodies and offices;

5. To settle jurisdictional conflicts between different organs (article 256 of the Constitution).

III. GENERAL LEGAL FRAMEWORK FOR THE PROTECTION OF HUMAN RIGHTS

A. Rights, guarantees and duties

69. Title II of the Constitution contains 5 chapters and 85 articles relating to the protection, promotion and defence of human rights. These are:

Chapter 1. Concerning fundamental rights (articles 11 to 41);

Chapter 2. Concerning social, economic and cultural rights (articles 42 to 77);

Chapter 3. Concerning collective rights and the environment (articles 78 to 82);

Chapter 4. Concerning the protection and application of rights (articles 83 to 94);

Chapter 5. Concerning duties and obligations (article 95).

70. Chapter 1. Concerning fundamental rights. The right to life is guaranteed, and there shall be no death penalty; no one shall be subjected to enforced disappearance, or to torture or other cruel, inhuman or degrading treatment or punishment; all persons are born free and equal before the law and shall receive equal treatment from the authorities and enjoy the same rights, freedoms and opportunities without discrimination on grounds of sex, race, national or family origin, language, religion, political opinion or philosophy; everyone has the right to the recognition of their legal identity, to individual and family privacy, to a good name, to update and correct information about them held in data banks, and to the inviolability of private correspondence; the right to the free development of the personality is

guaranteed; slavery, servitude and the slave trade are prohibited; the freedoms of conscience, worship and expression are guaranteed; the right to honour and to freedom of movement is guaranteed; peace is established as a right and a duty that is compulsory; everyone shall have the right to submit respectful petitions to the authorities in the general interest or private interest and to obtain a prompt resolution of the matter; work is a right and a social obligation and enjoys special protection by the State; freedom of teaching, apprenticeship and professorship and free choice of a profession or trade are guaranteed; due process of law is guaranteed; the person and the family are inviolable and no one may be arrested, detained or imprisoned, or have their home searched, except under a written warrant from a competent judicial authority; a person held in preventive detention shall be brought before the competent judge within 36 hours; there shall be no imprisonment, arrest or detention for debts, and no imprescriptible penalties or security measures; habeas corpus is established; the principles of benefit of penal law and of the presumption of innocence are established; the right to defence and professional assistance is guaranteed; in principle any judicial sentence may be appealed or reviewed and the higher court may not aggravate the situation of the individual appellant (reformatio in pejus); the law does not compel anyone to testify against himself or members of his family; the extradition of nationals, banishment and life imprisonment are prohibited; the right of asylum is recognized; the right of public and peaceful demonstration is guaranteed; the right of free association to carry out lawful activities, the right to join a trade union and the right to participate in politics are guaranteed; every citizen shall have the right to participate in the formation, exercise and control of political power.

71. Chapter 2. Concerning social, economic and cultural rights. The family is recognized as the basic unit of society and the State guarantees its protection; men and women have equal rights and opportunities; the special rights of children, adolescents, the elderly and physically or mentally disabled persons are recognized; social security is guaranteed as a compulsory public service to be provided under the direction, coordination and supervision of the State; health care and environmental protection are public services under the responsibility of the State; all children under one year of age shall be entitled to receive free care in all State-subsidized health institutions; the right to decent housing and to recreation are recognized; the rights to work, to labour safeguards, to strike and to bargain collectively are recognized; workers' participation in the management of enterprises is encouraged; private property and other legally acquired rights, the right to intellectual property and to the enjoyment of goods for public use are guaranteed; the State shall promote access to property and associative or joint forms of ownership; property is a social function that implies obligations; agricultural and livestock production shall enjoy special protection by the State; the State, society and the family are responsible for education, which shall be compulsory between the ages of 5 and 15 years and include a minimum of 1 year of pre-school education and 9 years of basic education; education at State schools shall be free, without prejudice to the payment of fees by those who can afford to pay; the right to exercise a profession freely is established; professional secrecy shall be inviolable; the right to academic autonomy and free artistic expression is guaranteed; it is the duty of the Colombian State to promote and encourage the access to culture of all Colombians; the right of every person to have access to public

documents and the protection of journalistic activity are guaranteed; equality of opportunity for access to the electromagnetic spectrum is guaranteed.

72. Chapter 3. Concerning collective rights and the environment. The law regulates control of the quality of goods and services offered to the community; everyone has the right to enjoy a healthy environment; the State plans the utilization and management of natural resources; the State will cooperate with other nations in the protection of ecosystems; the manufacture, importation, possession and use of chemical, biological and nuclear weapons are prohibited; the State regulates the entry into the country and exit from it of genetic resources, and their use.

73. Chapter 4. Concerning the protection and application of rights. Everyone may have recourse to judicial authority to ensure compliance with a law or accomplishment of an administrative act. The following provisions have been established:

(a) Action of protection. The Constitution establishes protection as the action "whereby an individual may, at any time and in any place, appeal to the judges of the Republic, in person or through a representative acting on his/her behalf, by means of a preferential and summary procedure, to claim immediate protection of his/her fundamental constitutional rights should any of these rights be jeopardized or threatened by any action or omission of any public authority". Recourse to this action results in protection for the person consisting of an order whereby the party in respect of whom protection is sought shall act or refrain from action. This order, which is executory with immediate effect, may be challenged before the competent judge, who may refer to the Constitutional Court if review is sought. Recourse may only be made to this action when the affected party has no other means of judicial defence. The time limit for resolution of a request for protection may not exceed 10 days from the date of application;

(b) Popular actions. Established to protect collective rights and interests relating to homelands, public areas, safety and hygiene, ethical administrative procedure, the environment, free economic competition and other rights of a similar nature. Popular actions shall be governed by the law;

(c) Responsibility of the State. The Colombian State will answer materially for the unlawful damages for which it is responsible, caused by actions or omissions on the part of the public authorities, without prejudice to the possibility of initiating proceedings against negligent officials;

(d) Prevalence of international treaties on human rights. International treaties and conventions ratified by the Congress that recognize human rights and prohibit their limitation during states of emergency shall have priority in domestic law. Human rights shall be interpreted in accordance with the international treaties ratified by Colombia.

74. Chapter 5. Concerning duties and obligations. Exercise of the rights recognized in the Constitution implies responsibilities for all citizens, who shall:

1. Respect the rights of others and not abuse their own;

2. Act in accordance with the principle of social solidarity;

3. Respect and support legitimate democratic authorities;

4. Defend and extend human rights as the foundation of peaceful coexistence;

5. Participate in the political, civic and community life of the country;

6. Strive to achieve and maintain peace;

7. Collaborate to ensure the proper functioning of the administration of justice;

8. Protect cultural and natural resources;

9. Contribute to the financing of the State's expenditure and investment within the principles of justice and equity.

75. The Constitution contains a series of special guarantees for indigenous peoples and Afrocolombian and island communities, as set out in the second part of this report.

B. Competent authorities for the protection of human rights

Public Ministry

76. The Public Ministry comprises the Attorney-General, who is the overall director, the People's Advocate and municipal representatives. The Constitution establishes the Public Ministry as a supervisory organ of the State, completely independent of the conventional three branches of public authority (legislative, executive and judicial).

77. The Public Ministry, with the Attorney-General acting on its behalf, is competent to oversee matters relating to human rights. In accordance with articles 275 et seq. of the Constitution, the Attorney-General shall, in person or through his delegates and agents, exercise the following functions:

1. Oversee compliance with the Constitution, laws, judicial decisions and administrative decrees;

2. Protect and give effect to human rights, with the assistance of the People's Advocate;

3. Defend the interests of society;

4. Defend collective interests;

5. Ensure the diligent and efficient discharge of administrative functions;

6. Oversee the official conduct of those who hold public office, including those elected by the people;

7. Intervene in legal proceedings and before the judicial or administrative authorities where necessary to defend the public order, the public domain or fundamental rights and guarantees;

8. Perform other functions as determined by law.

Office of the Attorney-General (Procuraduría General de la Nación

78. In order to perform its constitutional functions, this Office has various divisions dealing with specific areas, viz:

Human Rights Division;

National Police Division;

Armed Forces Division;

Judicial Monitoring Division;

Judicial Police Division;

Agrarian Affairs Division;

Environment Division;

Public Ministry Division;

Municipal Representatives Division;

Minors and Family Division;

Special Investigations Office.

79. In addition, the Attorney-General has local offices in each of the departments - territorial administrative divisions - and provinces - subdivisions of the departments - to ensure that the whole of the national territory is covered and that his services are available to citizens.

80. It should also be noted that the Attorney-General has set up permanent human rights offices, open 24 hours a day, 7 days a week and 52 weeks a year, in the cities of Santafé de Bogotá, Medellín, Cali and Cúcuta, with the collaboration of local administrations and municipal representatives, the Office of the People's Advocate and the Office of the Presidential Adviser for Human Rights.

81. With regard to the protection of human rights, the Attorney-General's Office intervenes in judicial proceedings to guarantee due legal process and the fundamental rights of the accused, the victims and society; oversees the conduct and exercise of their functions by public servants and disciplinary sanctions against them; investigates reports by citizens and imposes

disciplinary sanctions on public servants, and may, pursuant to its judicial police functions, transmit the evidence it collects to the prosecutors and judges acting in the related criminal proceedings. In this connection, the Attorney-General's Office ensures that investigations based on reported violations of human rights are independent of any possible influence by the Government and by public servants.

Office of the People's Advocate (Defensoría del Pueblo)

82. The People's Advocate comes within the Public Ministry and exercises his functions under the overall authority of the Attorney-General. His functions are as follows:

1. To advise and instruct inhabitants of the national territory and Colombians abroad on the exercise and defence of their rights before the competent authorities or private entities;

2. To publicize human rights and recommend policies for the teaching of human rights;

3. To invoke the right to habeas corpus and initiate actions of protection, without prejudice to the rights of the parties concerned;

4. To organize and direct public defence counsel in the manner stipulated by the law;

5. To bring public actions in relation to matters within his jurisdiction;

6. To carry out other functions as determined by law.

83. As part of the Public Ministry, the People's Advocate carries out his constitutional and legal functions under the overall authority of the Attorney-General, but with full administrative and budgetary autonomy. The Office of the People's Advocate, whose functions, organization and administration are governed by Act No. 24 of 1992, has divided its work into subject areas and regions.

84. There are various directorates and divisions, as follows:

National Directorate of the Office of the People's Advocate;

National Directorate for Judicial Appeals and Actions;

National Directorate for the Examination and Processing of Complaints;

National Directorate for the Promotion and Dissemination of Human Rights;

Division for the Rights of Children, Women and Senior Citizens;

Division for Health and Social Security;

Division for the Environment and the Rights of Consumers and Users of Public Services;

Division for Criminal Policy;

Division for Indigenous People and Ethnic Minorities;

Division for Constitutional Matters.

85. Like the Attorney-General's Office, the Office of the People's Advocate has regional and sectional offices enabling it to cover the entire territory and meet the needs of all citizens.

86. The Office of the People's Advocate promotes and publicizes human rights by means of courses, seminars and the publication of books and magazines; deals with complaints from citizens about infringements of human rights, seeking information on the facts from public and government bodies, assessing the replies and informing the Congress of the Republic of its conclusions; exercises functions of evaluation and control of Government action relating to human rights in specialized fields through its national directorates and divisions.

Municipal representatives

87. The municipal representatives act in all 1,040 municipalities of the country as people's advocates, protectors of human rights and civic inspectors. In 1994 the Code on the Political and Municipal Regime was revised by Act No. 136; this legal instrument gave administrative and budgetary autonomy to municipal representatives and reorganized their spheres of competence. With the establishment of the Municipal Representatives' Division, the Public Ministry will be able to implement programmes of support, advice and coordination of the work of the municipal representatives.

C. Special actions by the Government to protect and promote human rights, and recent legislative measures and initiatives

Development plan and human rights

88. For the first time in Colombia's history, the theme of human rights and international humanitarian law has been incorporated into the National Development and Investment Plan.

Relations with the international community

89. The Government of Colombia formally invited the following bodies and officials of the United Nations human rights system to visit the country in 1995 to make analyses and recommendations on ways of dealing with human rights issues:

Working Group on Arbitrary Detention;

Special Rapporteur on the independence of judges and lawyers;

Special Rapporteur on extrajudicial, summary or arbitrary executions;

Working Group on Enforced or Involuntary Disappearances;

Representative of the Secretary-General on internally displaced persons;

Special Rapporteur on Torture.

90. Two representatives of the United Nations High Commissioner for Human Rights visited the country in late August 1995 at the invitation of the National Government to define the agenda of work for a possible permanent office of the High Commissioner in Colombia. Subsequently, within the framework of cooperation and maintaining constructive working relations with the United Nations in efforts to deal with this matter, the President of the Republic issued a formal invitation to the High Commissioner to set up a permanent office in the country. The agreement on the establishment of such an office was signed on 29 November 1996. The office will provide special advisory services and have the capacity to agree with the Government on policies, programmes and measures for the promotion and protection of human rights and to provide follow-up of their implementation. It will also be able to inquire about complaints submitted concerning human rights violations committed by agents of the State or violations of the fundamental rights of individuals or of international humanitarian law committed by non-State agents within the framework of the internal conflict plaguing the country. In no case, however, will it be able to assume powers proper to the competent bodies. This office will help to obtain a complete and objective view of the situation in Colombia.

91. The Colombian Government formally invited Amnesty International to open an office in Colombia to monitor the human rights situation on a permanent basis. In reply, Amnesty International expressed its thanks for the invitation but indicated that, for practical reasons, it was not planning to open a regular office, although it would like to increase its presence in the country during 1995. A delegation of this important international non-governmental organization (NGO) accordingly visited Colombia from 7 October to 7 November 1995 to evaluate the human rights situation through meetings with senior Government officials, State supervisory bodies and human rights NGOs.

92. A bill has been put before the Congress to enable the Government to pay compensation for human rights violations, as ordered by the Inter-American Commission on Human Rights (IACHR) and the United Nations Human Rights Committee. The bill was approved in its entirety in first reading by the Second Committee and the Plenary of the Senate on 1 November 1995 and is now before the House of Representatives. The Government has given its firm backing for the adoption of the bill.

93. A "commission for analysis and advice on the implementation of the recommendations made by international human rights bodies" was created on 31 July 1995 by Presidential Decree No. 1290/95. The Commission is composed of the Minister for Foreign Affairs, serving as chairman, the Minister of the Interior, the Minister of Justice and Law, the Minister of Defence, the Director of the National Department of Planning, the Director of

the Administrative Department for Security (DAS), the Presidential Adviser for National Security, a representative of the Office of the High Commissioner for Peace and the Presidential Adviser for Human Rights, who acts as technical secretary.

94. This high-level body was instituted in October 1995 and meets periodically. Its primary function is to provide guidance on the implementation of recommendations from the intergovernmental human rights bodies and from the experts appointed by them on the policies to be adopted by the Government in the field of human rights (in particular, civil and political rights) and especially on aspects of such recommendations which relate to the provisions of the Constitution, the laws in force or international treaties to which Colombia is a party.

95. In collaboration with the human rights commissions and hearings of the two chambers of the legislature, progress has been made in reviewing the international human rights treaties to which Colombia is not a party, for the purpose of aligning domestic legislation with the most recent developments in international law originating from the competent intergovernmental bodies.

Regularization of the internal armed conflict

96. The Congress approved Protocol II additional to the Geneva Conventions of 1949 by Act No. 171 of 1994. The Act was endorsed by the President of the Republic on 16 December 1994; the instrument of accession was deposited on 14 August 1995 and Protocol II of 1977 came into force for Colombia on 15 February 1996. No reservation or interpretative declaration was made by Colombia upon acceding to this international legal instrument. Furthermore, Colombia had already acceded to Additional Protocol I of 1977, which entered into force for the country on 1 March 1994.

97. The Government expressly stated - in connection with the endorsement of Act No. 171 of 1994 - that it considered itself obliged, for unavoidable ethical, political and legal reasons, to comply unilaterally - that is to say, irrespective of what the behaviour of the guerrilla groups may be in this respect - with the norms of humanization and regularization of conflicts, although Protocol II of 1977 has not entered into force internationally. Furthermore, with the entry into force for Colombia of Protocol II of 1977, the Government considers that its norms must be observed by all members of the forces of law and order.

98. The Government has also announced that, without prejudice to the foregoing, it is proposed to make the impetus to apply the norms of international humanitarian law a solid point of departure for a negotiated solution of the armed conflict experienced by the country.

99. For the above purposes, the Government has made public its willingness to agree to having an independent, impartial, objective and experienced entity such as the International Committee of the Red Cross verify compliance with the norms of international humanitarian law by the agents of the State and by the guerrilla groups.

100. A governmental working group - made up of experts of the Ministries of Foreign Affairs and National Defence, the Office of the Adviser for Human Rights and the Office of the High Commissioner for Peace - has been elaborating a plan of action for the dissemination and adoption of national measures for the application of international humanitarian law. For its part, the Office of the Adviser for Human Rights commissioned the Faculty of International Relations of the "Jorge Tadeo Lozano" University of Bogota and the Colombian Red Cross to undertake academic research on national measures for the application of international humanitarian law, which will serve as the basis for the elaboration of the above-mentioned plan of action.

101. Furthermore, the Government has been working on the elaboration of a bill incorporating offences under international humanitarian law into the ordinary criminal justice system.

102. For its part, the draft Military Penal Code (to which reference will be made in the section of this document relating to impunity) contains a chapter setting out offences under international humanitarian law.

Combating impunity for human rights violations

103. With the Government's support, the Office of the Public Prosecutor has set up a National Unit of Human Rights Prosecutors. This special unit consists of elite officials and has the task of promptly and efficiently carrying out investigations into the gravest cases of human rights violations in the country.

104. By Presidential decree, the Government appointed a committee to draft amendments to the Military Penal and Penal Procedure Code in order to bring it into line with the 1991 Constitution. The committee completed its task on 15 August and the product of its work was submitted in mid-October to the Government, which will have to take decisions concerning those aspects on which a consensus could not be reached within the committee (inter alia, the definition of service-related offences and the limitation of the precept of due obedience) and submit the bill for consideration to the Congress of the Republic.

105. It should be noted that the committee was made up of high-level officials of the State's investigative and supervisory bodies - the Attorney-General's Office, the Office of the People's Advocate and the Public Prosecutor's Office - and of governmental bodies, as well as higher officials of the armed forces and police, and the director of a recognized non-governmental human rights organization, the Andean Commission of Jurists. The results of the drafting committee's work are discussed in more detail later in this report.

106. The Government has accepted the recommendations of the special commission of inquiry into the violent incidents of Trujillo. The commission, made up of various State supervisory bodies, government bodies and human rights NGOs, was established with a view to reaching an amicable settlement of the case brought before the Inter-American Commission on Human Rights in respect of several dozen killings and enforced disappearances that had occurred in the municipality of Trujillo, in the Department of

Valle del Cauca, in late 1989 and early 1990. The President of the Republic acknowledged the State's responsibility for acts or omissions concerning human rights violations against the 34 victims referred to in the report, and pledged to provide compensation for the damages suffered by them or their families, and to institute a special plan of social spending and investment in the area where the incidents took place; the plan was unveiled before the regional and municipal authorities on 10 November 1995. The Government has already in large measure honoured the commitments made in this connection.

107. On 7 September the Government, together with the victims' representatives in the Inter-American Commission on Human Rights (IACHR), agreed to establish a committee to monitor implementation of the recommendations of the Trujillo Commission, which is due to report to that international body at one of its next sessions.

108. The Government is taking part in a commission established to monitor the situation with regard to human rights and international humanitarian law in the department of Meta, pursuant to a letter of commitment signed by a large number of State bodies, non-governmental and government bodies on 29 August 1996. The aim of the Meta Commission is to identify and make progress with cases of grave violations of human rights and international humanitarian law in the region, and to carry out an analytical assessment of the various factors and actors involved and formulate recommendations on how to overcome the grave situation in the region.

109. The Government agreed to seek an amicable settlement in three cases of human rights violations being dealt with in IACHR. In a memorandum of understanding signed on 7 September 1995 between the organizations submitting petitions to IACHR - the "Hector Abad Gomez" Committee for Human Rights of Antioquia, the "José Alvear Restrepo" lawyers' collective and the Andean Commission of Jurists, Colombian Section - the Presidential Adviser for Human Rights and IACHR, acting as qualified observers, it was agreed to set up a committee to promote the administration of justice in relation to the events of Villatina, Caloto and los Uvos.

Protection of human rights

110. A systematized communications network has been created, with the financial and technical support of the Government of the Netherlands, for the interchange of information between State, governmental and non-governmental human rights organizations, thereby making it possible to gather and transmit throughout the country complaints and data relating to cases of human rights violations, to refer them to the relevant bodies for investigation and punishment, implement urgent measures to protect the persons affected and to provide systematic follow-up of the respective proceedings. The inter-agency information system has already been designed, a large part of the necessary equipment has been acquired, the human rights offices that will in principle be connected to the system have been selected, and inter-agency agreements have been drawn up. The national-level bodies to be connected to the network in July 1997, thus forming part of the initial operations committee, are: the Public Prosecutor's Office, the Attorney-General's Office, the Office of the People's Advocate, the Office of the Adviser for

Human Rights and the Ministries of the Interior, Foreign Affairs and Defence. It is hoped that more than 500 data storage and transmission points countrywide will be linked to the network within three years.

111. Act No. 199 of 22 July 1995 transformed the Ministry of Government into the Ministry of the Interior and assigned it the function of coordinating the activities of all bodies of the Executive entrusted with the protection, defence and promotion of human rights. The same Act provided for the creation of a Special Administrative Unit to put into operation a system for dealing with requests for the protection of citizens' rights.

112. As part of these arrangements the Administrative Unit will give priority to the following lines of action:

(a) Planning for human and citizens' rights;

(b) Overall coordination of government policies for persons displaced by violence;

(c) Activities to prevent the violation of human and citizens' rights;

(d) Protection of persons at risk owing to political violence.

113. Action by the Unit to protect persons at risk will focus on leaders and activists of political groups (in particular, opposition groups), leaders and activists of social organizations, human rights activists and witnesses of grave violations of human rights or of international humanitarian law.

Combating "paramilitarism"

114. It has been decided to reactivate the commission created by Decree No. 813 of 1989, which under the chairmanship of the Minister of the Interior and with the participation of the Public Prosecutor, various other ministers, the General Commander of the Armed Forces and the Director of the National Police, is to prepare a comprehensive plan of action against the inappropriately named "paramilitary" groups. Particular attention is being given to the Public Prosecutor's investigations relating to large-scale massacres and successive killings or disappearances committed by "paramilitary" or own-justice groups, and the widest support will be given to the forces of law and order to serve the relevant arrest warrants.

Care of persons displaced by the violence

115. The National Economic and Social Policy Council (CONPES) adopted the National Programme of Comprehensive Care for People Displaced by the Violence on 13 September 1995. The Programme addresses five aspects of the problem of displaced persons:

1. Prevention of displacement;

2. Protection of displaced persons whose lives and safety are still at risk;

3. Emergency humanitarian relief for displaced persons;

4. Medium-term social programmes, largely administered by the Social Solidarity Network;

5. Land awards.

116. As part of the design of the comprehensive policy mentioned above, and taking advantage of the process of approval of the Act relating to the Ministry of the Interior, the Government ensured that the legislation would include, among the responsibilities of the Ministry's Special Administrative Unit for Disaster Relief and Prevention, care for persons displaced owing to violence in the emergency humanitarian relief phase. Furthermore, the Government supported the recent research carried out by the Colombian Episcopal Conference on the phenomenon of internally displaced persons and has undertaken a careful study of its findings, as a fundamental contribution to the implementation of policies in this field.

Education in human rights

117. In the context of the application of the General Education Act, discrete but determined efforts are being made, as part of an inter-agency approach, to define the general lines of the curriculum in the area of education concerning ethics, democracy and human rights. It will soon be possible to make significant steps towards using the education system as a tool to generate plans for building democracy and promoting human rights.

118. The Ministry of National Defence and the Office of the Presidential Adviser for Human Rights are working together to strengthen human rights education programmes for the forces of law and order, which now have very significantly broader coverage and improved content, as a result of the Defence Minister's Directive No. 24 of 5 July 1995. Furthermore, the Ministry of Defence, the Colombian Red Cross and the International Committee of the Red Cross are moving ahead, under a joint agreement, with a specific programme for the dissemination of international humanitarian law among military and police personnel.

Safety of citizens

119. A commission for the reform of the National Police Code or "Civic Relations Code" is currently working to bring the norms of the statute on minor offences into line with the 1991 Constitution. The intention is to make the Code a real statute for harmonious civic relations and the regulation of public freedoms and the human rights of individuals. The commission is made up of representatives of various ministries, the Office of the Presidential Advisers for Human Rights and National Security, the National Police, the People's Advocate, the Colombian Federation of Municipalities and the Governors' Conference. The commission was set up on 18 September 1995 and will work for six months to complete its task.

Relations with non-governmental human rights organizations

120. The Government is applying a policy of open doors, frankness and transparency with non-governmental human rights organizations, both national and international.

121. The National Human Rights Commission created by Decree No. 1533 of 1994, which is chaired by the Minister of the Interior and includes representatives of many State, governmental and non-governmental bodies, has discussed a wide range of human rights issues. It has been concerned, in particular, with four main questions: peace, international humanitarian law, impunity and protection of human rights. The proposals put forward in the Commission have received a formal governmental response and progress has been made in the search for agreed formulas to build upon the consensus achieved, overcome disagreements and conclude the Commission's work.

122. The Government has endeavoured in the Human Rights Commission inter alia to agree on formulas for working with the organizations representing the victims, or their families or fellow campaigners, to bring criminal and disciplinary proceedings in connection with cases of murder, enforced disappearances and torture of people in sectors such as the trade union movement, opposition political groups, indigenous communities and human rights defenders. However, the participating non-governmental organizations left the Commission to demonstrate their rejection of the state of emergency declared by the Government owing to internal disturbances. The Minister of the Interior, speaking as chairman to the plenary session of the Commission, reaffirmed the appropriateness of the declaration of the state of emergency and called upon the NGOs to reconsider their position. The Government hopes that this disagreement will be overcome and that the constructive and positive spirit that characterized the deliberations in the National Human Rights Commission can be maintained.

123. The Government is preparing a presidential directive aimed at supporting and facilitating the actions of non-governmental human rights organizations before public officials, both civil and military, forming part of the executive country-wide.

Obstacles and difficulties in implementing governmental human rights policy

124. The Government of Colombia is fully aware that, notwithstanding the efforts of civil society, the State's supervisory bodies, the judicial branch and the Government itself, the human rights situation in Colombia still presents features that cause great concern, although there are signs of positive change which must be taken into account. In this regard, a preliminary comparison of the statistics on alleged human rights violations by agents of the State which appear in the Attorney-General's third and fourth reports on human rights reveal a significant decrease in some categories such as homicides, enforced disappearances and involvement in massacres, although in others, such as torture and ill-treatment, the number of reported cases is tending to increase. The Attorney-General's fourth human rights report was published in February 1996.

125. Despite the positive signs, there are matters of concern that need to be considered and analysed:

(a) At 76 per 100,000 inhabitants a year, Colombia has one of the world's highest rates of violent deaths. Such a high rate of violence against life means that Colombia's judicial police and justice system need to investigate, clarify and bring to trial almost as many cases of homicide as their counterparts in a country like the United States of America, i.e. almost 30,000 homicides a year. There are clearly differences in terms of the availability of financial, technical and human resources between the world's first industrial power and a developing country; obviously, this explanation can never be considered as a justification or, even less, as an excuse for the Government of Colombia with regard to impunity, but the difficulties now being faced in protecting Colombians have to be noted. One very particular aspect of this situation is that the percentage of violent deaths resulting from political motives, presumed political killings or deaths related to the armed conflict is relatively low in comparison with violent deaths from other causes, ranging from 8 to 14 per cent, depending on the source consulted. Furthermore, political violence is declining significantly, whereas there still persist other forms of violence, which in Colombia are known, for want of any better name, as "dispersed social violence", i.e. violence within the family, street brawls, people's aggressiveness or bad temper, or violence taking the form of personal justice or selective violence whereby drug traffickers or common criminals settle scores with one another, or violence by guerrilla groups or ordinary crime involving kidnapping and extortion;

(b) Colombia is facing a combination of different forms of violence more overwhelming than any other Latin American country has faced this century. Except for those countries which had to deal with generalized armed conflicts, such as the two world wars, perhaps no country or government has been confronted with the violence of acts of terrorism, drug trafficking and guerrilla warfare, which have adversely affected a system of justice not equipped to handle problems of this magnitude. The enormous wear and tear on the judicial system has in turn served to multiply violence taking the form of private justice, retaliation or vengeance. In addition, the State's judicial and police system has to confront the enormous corruptive power of drug money. The Government has to cope with all of this in its efforts to prevent the reign of impunity;

(c) There is an armed conflict in Colombia which the Government wishes to resolve through political negotiation. It is, however, an armed conflict that has degenerated and become degraded by the systematic use of unlawful methods and means of combat, by acts of terrorism and by offences against international humanitarian law. The Government of Colombia does not seek to deny the responsibility of agents of the State in such a situation, but it considers these to be isolated cases that must be investigated and judged promptly and severely.

Combating impunity and strengthening the justice system

126. To deal with this panorama of violence - which exists, paradoxically, in a country that is experiencing sustained economic growth and gradually making

significant progress in fighting destitution and poverty - the Colombian State and Government have had to implement a consistent programme of strengthening the judicial system.

127. The first step was to guarantee the complete independence of the judicial branch of public power by means of constitutional norms, the transformation of the inquisitorial system of criminal investigation into an accusatory system under the responsibility of the Public Prosecutor's Office and the incorporation of that investigative and accusatory body into the judicial branch of public power.

128. The second step, involving the creation by the Constitution of the Higher Council of the Judicature, provided the judicial branch with an administrative system of its own, independent from the other branches of public power and capable of administering the judiciary and its budget in an autonomous manner. The Public Prosecutor's Office likewise enjoys budgetary and administrative autonomy.

129. Thirdly, the State made the political and moral commitment to strengthen the judicial system financially, to increase significantly the remuneration of prosecutors, judges, magistrates and auxiliary and administrative personnel, and to ensure the specialist training of judicial personnel and provide them with the means to carry out their work. In addition, a Technical Investigation Body of the Public Prosecutor's Office was created and brought into operation with judicial police powers to support prosecutors in investigative proceedings, in coordination and in cooperation with the judicial police offices of the National Police. All of this was accomplished with the valuable cooperation of other governments and in the midst of the critical situation of crime and violence - from which judges, prosecutors and their staff have also fallen victim - generated by the corruption of drug trafficking and by the challenge that this powerful form of international crime has posed to the State and to the institutions and society of Colombia.

Role of the State's supervisory bodies in the promotion and protection of human rights

130. The Government of Colombia takes the opportunity to acknowledge in this report, and before the international community, the invaluable services dedicated to the cause of human rights by the supervisory bodies of the State, especially those entrusted with the defence, protection and promotion of human rights. It is not enough merely to recognize the merits of the institutions: we must in all fairness recognize the personal worth and value to society of the attorneys, people's advocates and municipal representatives who have contended with the violence still entrenched in institutions - and there is no disguising the fact that attorneys and officials of the Public Ministry have been victims of threats or harassment, and in some cases have even been killed for performing their duties.